IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 31594 of 2007(J)

PETITIONERS:

1. K.RAJESH, S/O.LATE CHANDRASEKHARAKURUP,
   JEEP DRIVER, MAVOOR GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

2. M.PREMAN, S/O.SEKHARAN,
   JEEP DRIVER, OLAVANNA GRAMA PANCHAYAT,
   KOZHIKODE DISTRICT.

3. K.MOHAMMED ISHAK, S/O.ABOOBACKER.A.,
   JEEP DRIVER, THAMARASSERY GRAMA PANCHAYAT,
   KOZHIKODE DISTRICT.

4. E.ASHOKAN, S/O.VICHIKORU,
   JEEP DRIVER, FEROKE GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

5. V.P.MANOJ, S/O.APPUNNI NAIR,
   JEEP DRIVER, ELATHUR GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

6. R.K.SUNIL KUMAR, S/O.KANARAN,
   JEEP DRIVER, PAYYOLI GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

7. GENESAN.K., S/O.GOPALAN,
   JEEP DRIVER, BALUSSERY GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

8. K.E.MOHAMMEDALI,
   S/O.MUHAMMED MUSLIAR, JEEP DRIVER,
   RAMANATTUKARA GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

1. MAVOOR GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

2. OLAVANNA GRAMA PANCHAYATH,
   REP.BY ITS SECRETARY, KOZHIKODE DISTRICT.

3. THAMARASSERY GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

4. PERUVAYAL GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

5. FEROKE GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

6. ELATHUR GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

7. PAYYOLI GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

8. BALUSSERY GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

9. RAMANATTUKARA GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, KOZHIKODE DISTRICT.

10. STATE OF KERALA, REPRESENTED BY
    ITS SECRETARY, LOCAL SELF GOVERNMENT (EPA),
    THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.31594 of 2007

Dated this the 4th day of December, 2007.

JUDGMENT

The petitioners are working as Jeep Drivers in different panchayat offices on daily wages for the last several years, according to them. They seek regularisation of their services. Their claim was directed to be considered by this court on an earlier occasion. This ultimately led to Ext.P7 order. By Ext.P7 order, the Government has declined the petitioners' request for regularisation of their services. The Government has taken note of the law laid down by the Supreme Court in **Secretary, State of Karnataka v. Umadevi {2006(4) SCC 1}**. Petitioners challenge Ext.P7.

2. Learned counsel for the petitioners submits that similarly situated daily wages workers were directed to be regularised by the Government pursuant to orders issued by this court directing such claims to be considered. He, therefore, contends that similar treatment should be meted out to the petitioners. He refers to Ext.P4 in this regard.

3. In my view, the Government has acted correctly taking note of the directions of the Supreme Court in **Umadevi**

and have, therefore, declined to issue orders regularising the services of the petitioners. The Supreme Court in **Umadevi** held in categoric terms that where persons have been appointed without adopting a notified selection process, then such appointments are illegal.

4. In the present case, admittedly, the petitioners were engaged only on daily wages and it is not their case that there was any notified selection process prior to their engagement. I am of the view that Ext.P7 order, passed by the Government, taking into account the dictum laid down in **Umadevi,** cannot be held as illegal in any manner as to warrant interference by this court under Article 226 of the Constitution of India. Assuming that the Government has passed any order of regularisation of daily wages employees in certain other cases, such orders being illegal in the light of **Umadevi** cannot found a right for the petitioners.

For all these reasons, the writ petition is dismissed.

Sd/-

(V.GIRI)

JUDGE

sk/

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